

SHB 1756 - S COMM AMD

By Committee on Human Services & Corrections

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 43.215.290 and 2006 c 265 s 310 are each amended to  
4 read as follows:

5 (1) The department may issue a probationary license to a licensee  
6 who has had a license but is temporarily unable to comply with a rule  
7 or has been the subject of multiple complaints or concerns about  
8 noncompliance if:

9 (a) The noncompliance does not present an immediate threat to the  
10 health and well-being of the children but would be likely to do so if  
11 allowed to continue; and

12 (b) The licensee has a plan approved by the department to correct  
13 the area of noncompliance within the probationary period.

14 (2) Before issuing a probationary license, the department shall, in  
15 writing, refer the licensee to the child care resource and referral  
16 network or other appropriate resource for technical assistance. The  
17 department may issue a probationary license pursuant to subsection (1)  
18 of this section if within fifteen working days after the department has  
19 sent its referral:

20 (a) The licensee, in writing, has refused the department's referral  
21 for technical assistance; or

22 (b) The licensee has failed to respond in writing to the  
23 department's referral for technical assistance.

24 (3) If the licensee accepts the department's referral for technical  
25 assistance issued under subsection (2) of this section, the department,  
26 the licensee, and the technical assistance provider shall meet within  
27 thirty days after the licensee's acceptance. The licensee and the  
28 department, in consultation with the technical assistance provider,  
29 shall develop a plan to correct the areas of noncompliance identified  
30 by the department. If, after sixty days, the licensee has not

1 corrected the areas of compliance identified in the plan developed in  
2 consultation with the technical assistance provider, the department may  
3 issue a probationary license pursuant to subsection (1) of this  
4 section.

5 (4) A probationary license may be issued for up to six months, and  
6 at the discretion of the department it may be extended for an  
7 additional six months. The department shall immediately terminate the  
8 probationary license, if at any time the noncompliance for which the  
9 probationary license was issued presents an immediate threat to the  
10 health or well-being of the children.

11 ~~((3))~~ (5) The department may, at any time, issue a probationary  
12 license for due cause that states the conditions of probation.

13 ~~((4))~~ (6) An existing license is invalidated when a probationary  
14 license is issued.

15 ~~((5))~~ (7) At the expiration of the probationary license, the  
16 department shall reinstate the original license for the remainder of  
17 its term, issue a new license, or revoke the original license.

18 ~~((6))~~ (8) A right to an adjudicative proceeding shall not accrue  
19 to the licensee whose license has been placed on probationary status  
20 unless the licensee does not agree with the placement on probationary  
21 status and the department then suspends, revokes, or modifies the  
22 license."

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23 On page 1, line 2 of the title, after "providers;" strike the  
24 remainder of the title and insert "and amending RCW 43.215.290."

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